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10/662,700

09/15/2003

Babak Damaghi

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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,700

Applicant(s)

DAMAGHI, BABAK

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined. Application 10/662,700 (ENHANCED METHOD OF RADIO AND TV ADVERTISING) has a filing date 09/15/2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention in view of Arai (US 2002/0147688).

Claim 1, Applicant's Background of the Invention teaches:

A method of advertising within a radio broadcast program which features the playing of songs, comprising:

A. establishing a contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of clues from time to time following broadcast of one of said songs, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest (see Background paragraph 4),

B. broadcasting at least one set of songs during said program (see Background paragraph 4),

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D. broadcasting at least one clue following said at least one song, and

E. providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award (see Background paragraph 4).

Applicant's Background of the Invention does not teach the broadcasting at least one commercial during said program and the broadcast of clues from time to time following broadcast of one of said commercial. However, Arai that it is old and well known in the promotion art to broadcast pieces of songs as commercials (see Arai paragraph 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the clues transmitted in the Applicant's background of the invention would be broadcasted from time to time following the broadcast of commercials, as Arai teaches that it is old and well known in the promotion art to broadcast songs as commercial.

Claim 2, Applicant's Background of the Invention does not teach:

wherein said broadcasting of said at least one clue occurs immediately following the broadcasting of a commercial. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 2.

Claim 3, Applicant's Background of the Invention does not teach:

wherein said broadcasting of said at least one clue occurs at least partially during the broadcast of a commercial. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 3.

Claim 4, Applicant's Background of the Invention does not teach:

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wherein said at least one clue is incorporated into a commercial. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 4.

Claim 5, Applicant's Background of the Invention does not teach:

comprising the steps of broadcasting at least two separate clues following two different of said commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

Claim 6, Applicant's Background of the Invention does not teach:

broadcasting at least two separate sets of songs, and broadcasting at least one commercial following each of said sets of songs, and broadcasting at least one clue following at least one of said commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 6.

Claim 7, Applicant's Background of the Invention does not teach:

broadcasting at least two sets of songs and broadcasting at least two sets of commercials separate from said sets of songs, and broadcasting at least one clue either following at least one of said sets of commercials or situated timewise between commercials of said at least one set of commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 7.

Claim 8, Applicant's Background of the Invention teaches:

A method of advertising within a radio broadcast program which features the playing of songs comprising:

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A. establishing a contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of clues from time to time following broadcast of one of said songs, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest (See Background of the Invention paragraph 4),

B. broadcasting at least one set of songs during said program (See Background of the Invention paragraph 4),

D. broadcasting at least one clue following said at least one set of songs (see Background of the Invention paragraph 4), and

E. providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award (see Background of the Invention paragraph 4).

Applicant's Background of the Invention does not teach the broadcasting at least one commercial during said program and the broadcast of clues from time to time following broadcast of one of said commercial. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 8.

Claim 9, Applicant's Background of the Invention does not teach:

wherein each of said sets of songs comprises at least two songs, and each of said sets of commercials comprises at least two commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 9.

Claim 10, Applicant's Background of the Invention does not teach:

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wherein a typical one of said sets of songs is broadcast for about ten minutes, and a typical one of said sets of commercials is broadcast for about two minutes. However, Official Notice is taken that it is old and well known in the promotion art to broadcast songs and commercials at intervals. Therefore, the same argument made in claim 1 regarding the "commercial" limitation is also made in claim 10.

Claim 11, Applicant's Background of the Invention teaches:

wherein said award comprises a specific prize (See Background of the Invention paragraph 4).

Claim 12, Applicant's Background of the Invention teaches:

wherein said award comprises the right to participate in a further phase of said contest (see paragraph 4).

Claim 13, Applicant's Background of the Invention teaches:

wherein said response required of a contest participant comprises placing a call to a specified phone number (see paragraph 4).

Claim 14, Applicant's Background of the Invention teaches:

wherein said response to win the contest comprises being the nth caller of a plurality of callers, where n is a number specified in the contest procedure (see paragraph 4).

Claim 15, Applicant's Background of the Invention teaches:

Conducting a contest within a radio broadcast program which features the playing of songs, comprising:

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A. establishing said contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of clues from time to time following broadcast of one of said songs, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest

B. broadcasting at least one set of songs during said program (see Background of the Invention paragraph 4),

D. broadcasting at least one clue following a song of said at least one set of songs (see Background of the Invention paragraph 4), and

E. providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award (see Background of the Invention paragraph 4).

Applicant's Background of the Invention does not teach broadcasting at least one set of commercials during said program and the broadcast of clues from time to time following broadcast of one of said commercial. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 15.

Claim 16, Applicant's Background of the Invention teaches:

A method of advertising within a radio or television broadcast which features the broadcast of a program for a specified period of time during part of said specified period of time, comprising:

A. establishing a contest whereby listeners or viewers of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of at least one clue from time to time following broadcast of at least one of said songs, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest (See Background paragraph 4),

B. broadcasting said program (see Background paragraph 4),

D. broadcasting said at least one clue following a song of said at least one set of songs, (see Background paragraph 4) and

E. providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award (see Background paragraph 4).

Applicant's Background does not teach broadcasting at least one set of commercials during said program and the broadcast of at least one clue from time to time following broadcast of at least one of said commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 16.

Claim 17, Applicant's Background of the Invention teaches:

A method of advertising within a radio broadcast program which features the playing of songs comprising:

A. establishing a contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of triggering events from time to time, with the contest requirement that a participant respond to said at least one broadcasted

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triggering event and follow the required procedure of said contest (see Background paragraph 4),

B. establishing as one rule of said contest that said triggering event will be the broadcast of a particular song (see Background paragraph 4),

C. broadcasting at least one set of songs during said program (see Background paragraph 4),

E. providing a specified award to each participant whose response to said triggering event satisfied the contest requirements to win said award (See Background paragraph 4).

Applicant's Background does not teach broadcasting at least one of said particular commercials during said program, and the broadcast of at least one clue from time to time following broadcast of at least one of said commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 17.

Claim 18, Applicant's Background of the Invention teaches:

A method of advertising within a radio or television broadcast which features the broadcast of a program for a specified period of time period comprising:

A. establishing a contest whereby listeners or viewers of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of at least one triggering event from time to time, with the contest requirement that a participant respond to said at least one broadcasted triggering event and follow the required procedure of said contest (see Background paragraph 4),

B. establishing as one rule of said contest that said triggering event will be the broadcast of a particular song (see Background paragraph 4),

C. broadcasting said program (see Background paragraph 4),

E. providing a specified award to each participant whose response to said triggering event satisfied the contest requirements to win said award (see Background paragraph 4).

Applicant's Background does not teach broadcasting said at least one of said particular commercials which is said triggering event, and the broadcast of at least one clue from time to time following broadcast of at least one of said commercials. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 18.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/

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March 26, 2008